

2003 DRAFTING REQUEST

Bill

Received: **02/11/2004**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Public Instruction**

By/Representing: **Mike Cross**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - libraries**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Michael.Cross@dpi.state.wi.us**

Carbon copy (CC:) to: **sen.leibham@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Public libraries; organization and funding

Instructions:

Same as LRB-0385

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 02/13/2004	kgilfoy 02/13/2004					S&L
/1	pgrant 02/27/2004	kgilfoy 02/27/2004	jfrantze 02/13/2004		sbasford 02/13/2004	sbasford 02/13/2004 mbarman 02/17/2004	S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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02/27/2004 _____

mbarman
02/27/2004

mbarman
02/27/2004

FE Sent For:

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Page 2

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/1			jfrantze 02/13/2004		sbasford 02/13/2004	sbasford 02/13/2004	

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Page 2

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/?	pgrant 02/13/2004	lrb_editor					

FE Sent For:

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*Senate - send to
Sen. Leibham per
mike @ DPI*

*Assembly
→ send to
Rep. Freese
per PG*

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1?	pgrant	1-2/13 Kmg	2/13	Self 2/13			

FE Sent For:

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RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman (or Lynn E. in his absence)

(Request Made By: PG) (Date: 02/13/04)



☐ ☒

2001 L

for :

☒ The final version of the
returned to the original 200
location of the drafting file's

☒ For research purposes
drafting file will be transferred
will be inserted into the "guts" of the 2003 draft.
electronic drafting file folder.

*Please copy
the file in -0384
& include it in
-4250. Thanks-
PG*

file for

ng file

copied on yellow paper and
dated/included listing the new

to a 2003 draft. The complete
drafting file. This request form
will be scanned/added to the

— OR —



☒ Please copy the drafting file for

2003 LRB -0384 / (include the version) and place it in the

drafting file for 2003 LRB -4250

☒ For research purposes, because the original 2003 draft was incorporated into another 2003 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the new 2003 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

☒ The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

Monday

LRB-4250/1
PG: kmg

2003 BILL

Gen. Cat.

1 AN ACT *to renumber* 43.52 (1m); *to renumber and amend* 43.53 (2); *to amend*
2 43.12 (1), 43.12 (2), 43.15 (1) (a), 43.15 (4) (a), 43.15 (4) (c) 6. and 43.24 (6); and
3 *to create* 43.15 (4) (c) 7., 43.15 (4) (c) 8., 43.15 (4) (c) 9., 43.15 (5), 43.17 (12),
4 43.52 (1m) (b), 43.53 (2) (a) and (b) and 43.53 (4) of the statutes; **relating to:**
5 the organization and funding of public libraries and public library systems and
6 granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the statutes governing the organization and funding of public libraries, including the following:

1. Currently, if the territory within a public library system has a population of less than 100,000, it must realign with an existing system within two years. This bill provides that if a system has fewer than three participating counties and a population of less than 200,000, it must realign with an existing system within two years.

2. Current law requires a public library system to employ a head librarian who is certified by the Department of Public Instruction (DPI). Under this bill, the head librarian must be present in the library for at least ten hours each week that the library is open, less leave time.

3. Beginning in 2006, the bill requires a public library system to spend at least \$2,500 annually on library materials and be open to the public an average of 20 hours each week.

BILL

4. The bill allows a public library system to adopt a plan requiring a participating public library to compensate another participating public library whenever the latter public library provides library services to residents of the municipality or county that maintains the former public library.

5. The bill allows two public library systems to merge with the approval of each system board and the county boards of the participating counties. Under current law, the approval of 51 percent of the participating public libraries in the system is also required.

6. The bill prohibits a public library system from being established if its establishment would cause the number of systems to exceed the number in existence on the bill's effective date.

7. Under this bill, if a city or village that is entirely located in a county that maintains a consolidated public library for the county wishes to establish a new public library or participate in a joint library, it must, in addition to the existing requirements, obtain the approval of the county library board and the county board of supervisors. If either disapproves, the city or village may appeal the decision to DPI.

8. Under this bill, joint library agreements must do all of the following:

a. Include a procedure for adjusting the membership of the board to ensure that it remains representative of the populations of the participating municipalities.

b. Name one of the participants as the library's fiscal agent.

c. Include a procedure for the distribution of the library's assets and liabilities if the library is dissolved.

9. The bill provides that, if a joint library is created on or after the bill's effective date, each municipality and county participating in the joint library must levy a tax for public library service at the same rate.

10. Under current law, a county (other than a county with a population of at least 500,000) that does not maintain a consolidated public library for the county and that contains residents who are not residents of a municipality that maintains a public library must pay to each public library in the county an amount equal to at least 70 percent of the cost of library use by these county residents. This bill requires that these payments also be made to each public library in an adjacent county, other than a county with a population of at least 500,000.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 43.12 (1) of the statutes is amended to read:

2 43.12 (1) By March 1 of each year, a county that does not maintain a
3 consolidated public library for the county under s. 43.57 and that contains residents

BILL

1 who are not residents of a municipality that maintains a public library under s. 43.52
2 or 43.53 shall pay to each public library in the county and to each public library in
3 an adjacent county, other than a county with a population of at least 500,000, an
4 amount that is equal to at least 70% of the amount computed by multiplying the
5 number of loans reported under sub. (2) by the amount that results from dividing the
6 total operational expenditures of the library during the calendar year for which the
7 number of loans are reported, not including capital expenditures or expenditures of
8 federal funds, by the total number of loans of material made by the public library
9 during the calendar year for which the loans are reported.

10 **SECTION 2.** 43.12 (2) of the statutes is amended to read:

11 43.12 (2) By July 1 of each year, each public library lying in whole or in part
12 in a county shall provide a statement to the county clerk of that county and to the
13 county clerk of each adjacent county, other than a county with a population of at least
14 500,000, that reports the number of loans of material made by that library during
15 the prior calendar year to residents of the county, or adjacent county, who are not
16 residents of a municipality that maintains a public library under s. 43.52 or 43.53
17 and the total number of loans of material made by that library during the previous
18 calendar year.

19 **SECTION 3.** 43.15 (1) (a) of the statutes is amended to read:

20 43.15 (1) (a) Have a population of 100,000 or more. If, because of the
21 withdrawal or realignment of participating municipalities or counties, a public
22 library system has fewer than 3 participating counties and a population under
23 ~~100,000~~ 200,000, the remaining parts of the system shall realign with an existing
24 system within 2 years after the date on which the population falls below ~~100,000~~
25 200,000.

BILL

1 **SECTION 4.** 43.15 (4) (a) of the statutes is amended to read:

2 43.15 (4) (a) A public library system may be organized as a single-county
3 federated public library system, a multicounty federated public library system, or a
4 single-county consolidated public library system. Two public library systems may
5 merge with the approval of each public library system board, and the county boards
6 of the participating counties ~~and 51% of the participating public libraries in the~~
7 system.

8 **SECTION 5.** 43.15 (4) (c) 6. of the statutes is amended to read:

9 43.15 (4) (c) 6. Employs a head librarian ~~holding current public library~~
10 ~~certification from~~ who is certified as a public librarian by the department of public
11 ~~instruction and whose employment requires that he or she be present in the library~~
12 for at least 10 hours of each week that the library is open to the public, less leave time.

13 **SECTION 6.** 43.15 (4) (c) 7. of the statutes is created to read:

14 43.15 (4) (c) 7. Beginning in 2006, annually is open to the public an average of
15 at least 20 hours each week.

16 **SECTION 7.** 43.15 (4) (c) 8. of the statutes is created to read:

17 43.15 (4) (c) 8. Beginning in 2006, annually spends at least \$2,500 on library
18 materials.

19 **SECTION 8.** 43.15 (4) (c) 9. of the statutes is created to read:

20 43.15 (4) (c) 9. If the public library system board has adopted a plan under s.
21 43.17 (12), participates in that plan.

22 **SECTION 9.** 43.15 (5) of the statutes is created to read:

23 43.15 (5) **LIMIT.** A public library system may not be established if its
24 establishment would cause the number of public library systems to exceed the
25 number in existence on the effective date of this subsection [revisor inserts date].

BILL

1 **SECTION 10.** 43.17 (12) of the statutes is created to read:

2 **43.17 (12) COMPENSATION PLAN FOR INTERMUNICIPAL LENDING.** A public library
3 system board may adopt a plan requiring a participating public library to
4 compensate another participating public library whenever the latter public library
5 provides library services to residents of the municipality or county that maintains
6 the former public library. The plan's compensation for each loan may not exceed the
7 actual cost of the loan, as defined by the department by rule. If a public library
8 system board adopts a plan under this subsection, it shall incorporate the plan into
9 the written agreement under s. 43.24 (2) (a).

10 **SECTION 11.** 43.24 (6) of the statutes is amended to read:

11 **43.24 (6)** In submitting information under s. 16.42 for purposes of the biennial
12 budget bill, the department shall include an amount for ~~the appropriation under s.~~
13 ~~20.255 (3) (e) public library services~~ for each fiscal year of the fiscal biennium equal
14 to 13% of the total operating expenditures for public library services, in territories
15 anticipated to be within all systems in the state, from local and county sources in the
16 calendar year immediately preceding the calendar year for which aid under this
17 section is to be paid. The amount shall include a recommendation for the
18 appropriation under s. 20.255 (3) (e) and recommendations for the funding of other
19 public library services, as determined by the department in conjunction with public
20 libraries and public library systems.

21 **SECTION 12.** 43.52 (1m) of the statutes is renumbered 43.52 (1m) (a).

22 **SECTION 13.** 43.52 (1m) (b) of the statutes is created to read:

23 **43.52 (1m) (b)** Any city or village that is entirely located in a county that
24 operates and maintains a consolidated public library for the county under s. 43.57,
25 and that desires to establish a new public library or participate in a joint library

BILL**SECTION 13**

1 under s. 43.53, shall, in addition to the requirement under sub. (1), obtain the
2 approval of the county library board, if one exists, and the county board of
3 supervisors before final action is taken. The county library board and the county
4 board of supervisors shall render decisions within 90 days of the request being
5 received. The common council or village board may appeal to the state
6 superintendent a decision of the county library board or the county board of
7 supervisors that disapproves the participation by the city or village in a joint library
8 with a municipality located in another county. The state superintendent shall hold
9 a public hearing on the appeal within 60 days after receiving notice of the appeal.
10 The state superintendent shall publish a class 1 notice under ch. 985 of the hearing
11 and shall also provide notice of the hearing to the common council or village board,
12 the county board of supervisors, and the county library board. The state
13 superintendent shall decide the appeal within 30 days after the adjournment of the
14 public hearing.

15 **SECTION 14.** 43.53 (2) of the statutes is renumbered 43.53 (2) (intro.) and
16 amended to read:

17 43.53 (2) (intro.) Joint library agreements under sub. (1) shall contain
18 provisions necessary to establish a library board under s. 43.54, including a
19 procedure for adjusting the membership of the board to ensure that it remains
20 representative of the populations of the participating municipalities, as shown by the
21 most recent federal census, under s. 43.54 (1m) (a) 1.; perform the duties under s.
22 43.58; and own and operate the physical facilities. A joint library agreement shall
23 also do all of the following:

24 **SECTION 15.** 43.53 (2) (a) and (b) of the statutes are created to read:

BILL

1 43.53 (2) (a) Name one of the participants as the library's fiscal agent, who is
2 responsible for the payroll, benefit administration, insurance, and financial record
3 keeping and auditing for the library. The participant's costs of providing the services
4 under this paragraph count toward the financial support required of the participant
5 under s. 43.15 (2) (b) or (4) (b) 2. or (c) (5).

6 (b) Include a procedure for the distribution of a joint library's assets and
7 liabilities if the joint library is dissolved.

8 **SECTION 16.** 43.53 (4) of the statutes is created to read:

9 43.53 (4) If a joint library agreement is entered into on or after the effective date
10 of this subsection [revisor inserts date], each municipality and county
11 participating in the joint library shall levy a tax for public library service at the same
12 rate.

13 **SECTION 17. Initial applicability.**

14 (1) (a) The treatment of section 43.15 (1) (a) of the statutes first applies to any
15 withdrawal or realignment that occurs on the effective date of this paragraph.

16 (b) The treatment of section 43.15 (4) (a) of the statutes first applies to mergers
17 occurring on the effective date of this paragraph.

18 (c) The treatment of section 43.15 (4) (c) 6. of the statutes first applies to
19 employment contracts entered into on the effective date of this paragraph.

20 (d) The renumbering of section 43.52 (1m) of the statutes and the creation of
21 section 43.52 (1m) (b) of the statutes first apply to final action on the establishment
22 of a new public library or on the participation in a joint library that is taken on the
23 effective date of this paragraph.

BILL**SECTION 17**

1 (e) The renumbering and amendment of section 43.53 (2) of the statutes and
2 the creation of section 43.53 (2) (a) and (b) of the statutes first apply to joint library
3 agreements entered into on the effective date of this paragraph.

4 (f) The treatment of section 43.12 (1) and (2) of the statutes first applies to
5 payments made by March 1, 2006, for library services provided in 2004 and reported
6 to county clerks by July 1, 2005.

7 (g) The treatment of section 43.53 (2) of the statutes first applies to joint library
8 agreements entered into, modified, or renewed on the effective date of this
9 paragraph.

10 **SECTION 18. Effective dates.** This act takes effect on the day after publication,
11 except as follows:

12 (1) The treatment of section 43.12 (1) and (2) of the statutes takes effect on July
13 1, 2004.

14 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-4250/1

PG:kmg:jf

2003 BILL

Now

the system

as a result of the
withdrawal or realignment of
participating municipalities
or counties

1 AN ACT to renumber 43.52 (1m); to renumber and amend 43.53 (2); to amend
2 43.12 (1), 43.12 (2), 43.15 (1) (a), 43.15 (4) (a), 43.15 (4) (c) 6. and 43.24 (6); and
3 to create 43.15 (4) (c) 7., 43.15 (4) (c) 8., 43.15 (4) (c) 9., 43.15 (5), 43.17 (12),
4 43.52 (1m) (b), 43.53 (2) (a) and (b) and 43.53 (4) of the statutes; relating to:
5 the organization and funding of public libraries and public library systems and
6 granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes various changes to the statutes governing the organization and funding of public libraries, including the following:

1. Currently, if the territory within a public library system has a population of less than 100,000, it must realign with an existing system within two years. This bill provides that if a system has fewer than three participating counties and a population of less than 200,000, it must realign with an existing system within two years.

2. Current law requires a public library system to employ a head librarian who is certified by the Department of Public Instruction (DPI). Under this bill, the head librarian must be present in the library for at least ten hours each week that the library is open, less leave time.

3. Beginning in 2006, the bill requires a public library system to spend at least \$2,500 annually on library materials and be open to the public an average of 20 hours each week.

BILL

4. The bill allows a public library system to adopt a plan requiring a participating public library to compensate another participating public library whenever the latter public library provides library services to residents of the municipality or county that maintains the former public library.

5. The bill allows two public library systems to merge with the approval of each system board and the county boards of the participating counties. Under current law, the approval of 51 percent of the participating public libraries in the system is also required.

6. The bill prohibits a public library system from being established if its establishment would cause the number of systems to exceed the number in existence on the bill's effective date.

7. Under this bill, if a city or village that is entirely located in a county that maintains a consolidated public library for the county wishes to establish a new public library or participate in a joint library, it must, in addition to the existing requirements, obtain the approval of the county library board and the county board of supervisors. If either disapproves, the city or village may appeal the decision to DPI.

8. Under this bill, joint library agreements must do all of the following:

a. Include a procedure for adjusting the membership of the board to ensure that it remains representative of the populations of the participating municipalities.

b. Name one of the participants as the library's fiscal agent.

c. Include a procedure for the distribution of the library's assets and liabilities if the library is dissolved.

9. The bill provides that, if a joint library is created on or after the bill's effective date, each municipality and county participating in the joint library must levy a tax for public library service at the same rate.

10. Under current law, a county (other than a county with a population of at least 500,000) that does not maintain a consolidated public library for the county and that contains residents who are not residents of a municipality that maintains a public library must pay to each public library in the county an amount equal to at least 70 percent of the cost of library use by these county residents. This bill requires that these payments also be made to each public library in an adjacent county, other than a county with a population of at least 500,000.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 43.12 (1) of the statutes is amended to read:

2 43.12 (1) By March 1 of each year, a county that does not maintain a
3 consolidated public library for the county under s. 43.57 and that contains residents

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1 who are not residents of a municipality that maintains a public library under s. 43.52
2 or 43.53 shall pay to each public library in the county and to each public library in
3 an adjacent county, other than a county with a population of at least 500,000, an
4 amount that is equal to at least 70% of the amount computed by multiplying the
5 number of loans reported under sub. (2) by the amount that results from dividing the
6 total operational expenditures of the library during the calendar year for which the
7 number of loans are reported, not including capital expenditures or expenditures of
8 federal funds, by the total number of loans of material made by the public library
9 during the calendar year for which the loans are reported.

10 SECTION 2. 43.12 (2) of the statutes is amended to read:

11 43.12 (2) By July 1 of each year, each public library lying in whole or in part
12 in a county shall provide a statement to the county clerk of that county and to the
13 county clerk of each adjacent county, other than a county with a population of at least
14 500,000, that reports the number of loans of material made by that library during
15 the prior calendar year to residents of the county, or adjacent county, who are not
16 residents of a municipality that maintains a public library under s. 43.52 or 43.53
17 and the total number of loans of material made by that library during the previous
18 calendar year.

19 SECTION 3. 43.15 (1) (a) of the statutes is amended to read:

20 43.15 (1) (a) Have a population of 100,000 or more. If, because of the
21 withdrawal or realignment of participating municipalities or counties, a public
22 library system has fewer than 3 participating counties and a population under
23 100,000 200,000, the remaining parts of the system shall realign with an existing
24 system within 2 years after the date on which the population falls below 100,000
25 200,000.

BILL

1 SECTION 4. 43.15 (4) (a) of the statutes is amended to read:

2 43.15 (4) (a) A public library system may be organized as a single-county
3 federated public library system, a multicounty federated public library system, or a
4 single-county consolidated public library system. Two public library systems may
5 merge with the approval of each public library system board, and the county boards
6 of the participating counties ~~and 51% of the participating public libraries in the~~
7 system.

8 SECTION 5. 43.15 (4) (c) 6. of the statutes is amended to read:

9 43.15 (4) (c) 6. Employs a head librarian ~~holding current public library~~
10 ~~certification from~~ who is certified as a public librarian by the department of public
11 instruction and whose employment requires that he or she be present in the library
12 for at least 10 hours of each week that the library is open to the public, less leave time.

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19 SECTION 8. 43.15 (4) (c) 9. of the statutes is created to read:

20 43.15 (4) (c) 9. If the public library system board has adopted a plan under s.
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22 SECTION 9. 43.15 (5) of the statutes is created to read:

23 43.15 (5) LIMIT. A public library system may not be established if its
24 establishment would cause the number of public library systems to exceed the
25 number in existence on the effective date of this subsection [revisor inserts date].

BILL

1 **SECTION 10.** 43.17 (12) of the statutes is created to read:

2 43.17 (12) **COMPENSATION PLAN FOR INTERMUNICIPAL LENDING.** A public library
3 system board may adopt a plan requiring a participating public library to
4 compensate another participating public library whenever the latter public library
5 provides library services to residents of the municipality or county that maintains
6 the former public library. The plan's compensation for each loan may not exceed the
7 actual cost of the loan, as defined by the department by rule. If a public library
8 system board adopts a plan under this subsection, it shall incorporate the plan into
9 the written agreement under s. 43.24 (2) (a).

10 **SECTION 11.** 43.24 (6) of the statutes is amended to read:

11 43.24 (6) In submitting information under s. 16.42 for purposes of the biennial
12 budget bill, the department shall include an amount for ~~the appropriation under s.~~
13 ~~20.255 (3) (e) public library services~~ for each fiscal year of the fiscal biennium equal
14 to 13% of the total operating expenditures for public library services, in territories
15 anticipated to be within all systems in the state, from local and county sources in the
16 calendar year immediately preceding the calendar year for which aid under this
17 section is to be paid. The amount shall include a recommendation for the
18 appropriation under s. 20.255 (3) (e) and recommendations for the funding of other
19 public library services, as determined by the department in conjunction with public
20 libraries and public library systems.

21 **SECTION 12.** 43.52 (1m) of the statutes is renumbered 43.52 (1m) (a).

22 **SECTION 13.** 43.52 (1m) (b) of the statutes is created to read:

23 43.52 (1m) (b) Any city or village that is entirely located in a county that
24 operates and maintains a consolidated public library for the county under s. 43.57,
25 and that desires to establish a new public library or participate in a joint library

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1 under s. 43.53, shall, in addition to the requirement under sub. (1), obtain the
2 approval of the county library board, if one exists, and the county board of
3 supervisors before final action is taken. The county library board and the county
4 board of supervisors shall render decisions within 90 days of the request being
5 received. The common council or village board may appeal to the state
6 superintendent a decision of the county library board or the county board of
7 supervisors that disapproves the participation by the city or village in a joint library
8 with a municipality located in another county. The state superintendent shall hold
9 a public hearing on the appeal within 60 days after receiving notice of the appeal.
10 The state superintendent shall publish a class 1 notice under ch. 985 of the hearing
11 and shall also provide notice of the hearing to the common council or village board,
12 the county board of supervisors, and the county library board. The state
13 superintendent shall decide the appeal within 30 days after the adjournment of the
14 public hearing.

15 **SECTION 14.** 43.53 (2) of the statutes is renumbered 43.53 (2) (intro.) and
16 amended to read:

17 43.53 (2) (intro.) Joint library agreements under sub. (1) shall contain
18 provisions necessary to establish a library board under s. 43.54, including a
19 procedure for adjusting the membership of the board to ensure that it remains
20 representative of the populations of the participating municipalities, as shown by the
21 most recent federal census, under s. 43.54 (1m) (a) 1.; perform the duties under s.
22 43.58; and own and operate the physical facilities. A joint library agreement shall
23 also do all of the following:

24 **SECTION 15.** 43.53 (2) (a) and (b) of the statutes are created to read:

Barman, Mike

From: Barman, Mike
Sent: Friday, February 27, 2004 2:56 PM
To: Cross, Michael DPI; Sen. Leibham
Subject: LRB 03-4250/2 (attached)



03-4250/2

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
1 East Main, Suite 200 Madison, WI 53703